

### **REMARKS**

This Amendment is made in response to the Official Action mailed March 20, 2008. Claims 1-27 were pending and under examination. Claims 1-27 are now all being canceled without prejudice. Claim 28 is new.

Claims 1-27 were rejected on on several grounds of 35 U.S.C. 112, 102(e) and 103. By Applicants canceling them, most of the grounds have now been rendered moot.

New claim 28 carries the limitation of claim 4. Even though Applicants strongly disagree with each and every points of rejection/objection raised by the Examiner, the cancellation of claims 1-27 was solely done to expedite the prosecution, and to seek the allowance of new claim 28. Applicants preserve the right to prosecute other canceled subject matter/claims in child applications.

Presented below are the Applicants' explanation why new claim 28 is allowable.

### **Claim Rejections – 35 USC §103**

Claim 4 has been rejected over Volkin et al under 35U.S.C. 103(a). The Examiner says with respect to claim 4:

*...Volkin et al. discloses the stabilizing agent is one or both of a metal ion chelator (EDTA, TRIS, succinic and malic acid) (pg. 10, lines 14-15; pg. 26, line 32-pg. 27, line 15) and free radical scavengers (ethanol, methionine) (page 11, lines 4-9; claim 25).*

Volkin does not disclose glutathione

Claims 4 has been rejected rejected under 35 U.S.C. 103(a) as being unpatentable over Dev et al. in view of Volkin et al. The examiner says,

*....Dev et al. addresses all the limitations of claims 1-3, however fails to expressly disclose the inclusion of a free radical scavenger in combination with the metal ion*

*chelator. Volkin et al. discloses DNA formulations wherein the stabilizing agent that inhibit the degradative effects of free radicals is phosphate buffered ethanol solution in combination with methionine or EDTA (pg. 72, lines 140-24) and Tris buffered EDTA in combination with methionine or ethanol or a combination of methionine and ethanol (pg. 25, lines 12-19). Volkin et al. further discloses the solvent is demetalated prior to the process (pg. 11, line 31 – pg. 12, line 7). It would have been obvious to one of ordinary skill in the art to utilize the DNA formulation of Volkin et al. in order to enhance the stability of the formulation.*

Once again Volkin does not disclose glutathione.

In view of the above remarks, reconsideration of this application is requested. Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned agent at the number below.

Respectfully submitted,



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